# UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/862,884 | 05/21/2001 | Kenneth L. Davis | 30566.128-US-01 | 6589 |

| 22462 | 7590 | 11/29/2005 |
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| EXAMINER |
|---|
| TRAN, QUOC A |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2176 | |

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/862,884 | DAVIS, KENNETH L. |
| | Examiner | Art Unit | |
| | Quoc A. Tran | 2176 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>01 September 2005</u>.
2a) ☐ This action is **FINAL**.     2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-24</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1.      This action is responsive to communication: Pre-Appeal Brief filed 09/01/2005 with

recognition of an original filing date of 05/21/2001.

2.      Claims 1-24 are pending. Claims 1, 9, and 17 are independent claims.

### *Response to Argument*

3.      In view of the Pre-Appeal Brief filed on 09/01/2005, PROSECUTION IS HEREBY

REOPENED.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1. 111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied

by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130,

1 .131 or 1 .132) or other evidence are permitted. See 37 CFR 1. 193 (b) (2).

Applicant's arguments, in the filed Pre-Appeal Brief on 09/01/2005 with respect to claim

1-24 have been considered but are moot in view of the new ground(s) of rejection. This office

action is a Non-Final Rejection in order to give the applicant sufficient opportunity to response

to the new line of rejection.

### *Claim Rejections - 35 USC § 112*

4.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> *The specification shall conclude with one or more claims particularly pointing out and distinctly*
> *claiming the subject matter which the applicant regards as his invention.*

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Regarding to independent claims 1, 9 and 17, that recites the limitation such as,

**"determining when the identified frame is displayed, and automatically pausing the display**

**of the sequence of frames at the identified frame "**, in pages 2-3 and 4, which are failing to

particularly point out and distinctly claim the subject matter, as being indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the

invention; It is unclear what Applicant's intended are, for example, If the action is determining

when to stop, then stop (e.g. the action is triggering by users interventions) It is unclear what

Applicant's intended the processing steps of the claims are (e.g. automatically???).

For examining purpose, Examiner read the above in the broadest reasonable

interpretation, wherein determining when the identified frame is displayed, then pausing the

display of the sequence of frames at the identified frame.

Regarding claims 2-8, 10-16 and 118-24, are rejected for fully incorporating the

dependencies of their respective base claims.

Clarification and/or correction are required.

### *Claim Rejections - 35 USC § 103*

5.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set*
> *forth in section 102 of this title, if the differences between the subject matter sought to be patented and*
> *the prior art are such that the subject matter as a whole would have been obvious at the time the*

*invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

6.　　**Independent claims 1-6, 8-14, 16-22 and 24** are rejected under 35 U.S.C. 103(a) as

being unpatentable by Wistendahl et al. US005708845A - filed 09/29/1995 (hereinafter

Wistendahl '845), in view of Russell, Jr. et al. – US005526478A –filed- 06/30/1994 (hereinafter

Russell '478).

　　　　**As to independent claim 1, (a) obtaining a sequence of frames to be consecutively**

**displayed on a display device, wherein a frame comprises one or more images** (Wistendahl

'845 at col. 4, line 10 through col. 5, line 45, also see Fig. 1, discloses a system for editing still

and motion images, compositing multiple images, text, and sound tracks together, animating and

morphing images, compressing multimedia files for storage or transmission, wherein the original

media content (item 10), such as a movie, video program, or live television program captured by

a video camera, etc., is digitized via an analog-to-digital (A/D) converter (item 12) into digital

data representing a series of display frames Fi, Fi+2, Fi+3, . . . , in a time sequence t for display

on a display screen),

　　　　**(i) an identification of a frame** (Wistendahl '845 at col. 4, line 10 through col. 5, line

45, also see Fig. 1, discloses a system for editing still and motion images, compositing multiple

images, text, and sound tracks together, animating and morphing images, compressing

multimedia files for storage or transmission, wherein the original media content (item 10), such

as a movie, video program, or live television program captured by a video camera, etc., is

digitized via an analog-to-digital (A/D) converter (item 12) into digital data representing a series

of display frames Fi, Fi+2, Fi+3, . . . , in a time sequence t for display on a display screen. Each

frame has a frame address i, i+1, i+2, . . . corresponding to its unique time position in the

sequence, and is composed of an array of pixels pi uniquely defined by location coordinates

represented by j rows and k columns in the display area of each frame),

**(c) consecutively displaying one or more of the sequence of frames** (Wistendahl '845

at col. 4, line 10 through col. 5, line 45, also see Fig. 1, discloses a system for editing still and

motion images, compositing multiple images, text, and sound tracks together, animating and

morphing images, compressing multimedia files for storage or transmission, wherein the original

media content (item 10), such as a movie, video program, or live television program captured by

a video camera, etc., is digitized via an analog-to-digital (A/D) converter (item 12) into digital

data representing a series of display frames Fi, Fi+2, Fi+3, . . . , in a time sequence t for display

on a display screen),

**(d) determining when the identified frame is displayed, and automatically pausing**

**the display of the sequence of frames at the identified frame** (Wistendahl '845 at col. 4, line

10 through col. 5, line 45, also see Fig. 1, discloses a system for editing still and motion images,

compositing multiple images, text, and sound tracks together, animating and morphing images,

compressing multimedia files for storage or transmission, wherein the original media content

(item 10), such as a movie, video program, or live television program captured by a video

camera, etc., is digitized via an analog-to-digital (A/D) converter (item 12) into digital data

representing a series of display frames Fi, Fi+2, Fi+3, . . . , in a time sequence t for display on a

display screen. Each frame has a frame address i, i+1, i+2, . . . corresponding to its unique time

position in the sequence, and is composed of an array of pixels pi uniquely defined by location

coordinates represented by j rows and k columns in the display area of each frame) Examiner

read the above in the broadest reasonable interpretation, wherein determining when the identified

frame is displayed would have been an obvious variant of Each frame has a frame address i, i+1,

i+2, . . . corresponding to its unique time position in the sequence, to a person of ordinary skill in

the art at the time the invention was made,

также (Wistendahl '845 at col. 9, line 15 through col. 12, line 10, discloses an authoring

and mapping of "Hot Spot" As N Data, wherein a display frame of the media content is called up

on the editing subsystem, and motion tracking techniques are adapted to automate the generation

of N Data for objects. First, a display frame of the media content is called up on the editing

subsystem, marks its position as it appears in a first or "key" frame. The outline data, position,

and frame address are saved as N Data. Then, a motion tracking tool is used to detect the image

of the object as it moves across subsequent frames, until a last frame in which the object is

detected is reached) Examiner read the above in the broadest reasonable interpretation, wherein

automatically pausing the display of the sequence of frames at the identified frame would have

been an obvious variant of Each frame has a frame address i, i+1, i+2, . . . corresponding to its

unique time position in the sequence, and a display frame of the media content is called up on the

editing subsystem, and motion tracking techniques are adapted to automate the generation moves

across subsequent frames, until a last frame in which the object is detected is reached, to a person

of ordinary skill in the art at the time the invention was made,

**(f) continue displaying the sequence of frames subsequent to the identified frame**

**when a user elects to proceed** (Wistendahl '845 at col. 9, line 15 through col. 12, line 10,

discloses an authoring and mapping of "Hot Spot" As N Data, wherein a display frame of the

media content is called up on the editing subsystem, and motion tracking techniques are adapted

to automate the generation of N Data for objects. First, a display frame of the media content is

called up on the editing subsystem, marks its position as it appears in a first or "key" frame. The

outline data, position, and frame address are saved as N Data. Then, a motion tracking tool is

used to detect the image of the object as it moves across subsequent frames, until a last frame in

which the object is detected is reached) Examiner read the above in the broadest reasonable

interpretation, wherein when a user elects to proceed would have been an obvious variant of

authoring and mapping of "Hot Spot" As N Data, wherein a display frame of the media content

is called up on the editing subsystem, to a person of ordinary skill in the art at the time the

invention was made.

Wistendahl '845 does not explicitly teach, **(b) obtaining annotation information,**

**wherein the annotation information comprises: (ii) an annotation,** however (Russell '478 at

col. 3, line 30 through col. 4, line 35, also see Fig. 2-7, discloses an annotation system, wherein

the multimedia information can include visual image, video, etc on a computer display and/or

annotation interface,

**and (iii) a location on the identified frame to display the annotation, e) displaying**

**the annotation at the location on the identified frame,** however (Russell '478 at col. 3, line 30

through col. 4, line 35, also see Fig. 2-7, discloses an annotation interface, wherein the

multimedia information can include graphic, animation visual image, video, etc on a computer

display, wherein A frame buffer is connected to bus and stores the information to be displayed

on display, also includes Graphics subsystem item 30 processing elements for processing

graphics data that are to be displayed on display item 22, that includes four pipelined

subsystems: (1) a geometry subsystem, (2) a scan conversion subsystem, (3) a raster subsystem,

and (4) a display subsystem. When a 3-D model needs to be displayed on display. CPU 21

accesses system RAM and ROM 25a and 25b and mass storage device 29 for data relating to the

visual description of the 3-D model. The visual description of the 3-D model is read and stored in

computer system 20) Examiner read the above in the broadest reasonable interpretation, wherein

the identified frame to display the annotation would have been an obvious variant of A frame

buffer includes four pipelined subsystems: (1) a geometry subsystem, (2) a scan conversion

subsystem, (3) a raster subsystem, and (4) a display subsystem is connected to bus and stores the

information to be displayed on display, to a person of ordinary skill in the art at the time the

invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Wistendahl '845, discloses an interactive digital media

(IDM) program has Frame Data for the media content and object mapping data (N Data)

representing the frame addresses and display location coordinates for objects appearing in the

media content, to include a means of obtaining annotation information, wherein the annotation

information comprises: an annotation, a location on the identified frame to display the annotation

of Russell '478. One of ordinary skill in the art would have been motivated to perform such a

modification for enabling an annotating interface, wherein viewers capable of displaying 3-D

model at various locations to exchange information with respect to the 3-D model in a consistent

environment (as taught by Russell '478 at col. 1, lines 45-60).

**As to independent claims 9 and 17,** incorporate substantially similar subject matter as

cited in claim 1 above, and are similarly rejected along the same rationale.

**As to dependent claims 2-6, 10-14 and 18-22** incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following and are similarly rejected along the same rationale,

**the annotation comprises text, an arrow, a primitive shape, an animation, a video,** however (Russell '478 at col. 3, line 30 through col. 4, line 35, also see Fig. 2-7, discloses an annotation system, wherein the multimedia information can included text, visual image, pointer (item 41 is a 3-D arrow pointing at an area of 3-D model 40), video, 3-D models, an animation etc on a computer display.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Wistendahl '845, discloses an interactive digital media (IDM) program has Frame Data for the media content and object mapping data (N Data) representing the frame addresses and display location coordinates for objects appearing in the media content, to include a means of obtaining annotation information, wherein the annotation comprises: text, an arrow, a primitive shape, an animation, a video of Russell '478. One of ordinary skill in the art would have been motivated to perform such a modification for enabling an annotating interface, wherein viewers capable of displaying 3-D model at various locations to exchange information with respect to the 3-D model in a consistent environment (as taught by Russell '478 at col. 1, lines 45-60).

**As to dependent claims 8 and 24,** incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale,

7.      **Dependent claims 7, 15, and 23** are rejected under 35 U.S.C. 103(a) as being

unpatentable by Wistendahl et al. US005708845A  - filed 09/29/1995 (hereinafter Wistendahl

'845), in view of Russell, Jr. et al. – US005526478A –filed- 06/30/1994 (hereinafter Russell

'478), further in view of Gupta et al. US006484156B1- filed- 09/15/1999 (hereinafter Gupta

'156).

      **A to dependent claim 7,** Covington and Ubillos do not explicitly teach, **the annotation**

**information is defined in conformance with an extensible markup language (XML) schema,**

however, (as taught by Gupta '156 at col. 6, lines 5-15, i.e. an annotation server and a client

computer using Extensible Markup Language (XML)).

      It would have been obvious to a person of ordinary skill in the art at the time the invention

was made to have modified Wistendahl '845, discloses an interactive digital media (IDM)

program has Frame Data for the media content and object mapping data (N Data) representing

the frame addresses and display location coordinates for objects appearing in the media content,

to include a means of obtaining annotation information, wherein the annotation information

comprises: an annotation of Russell '478, further to include a means of annotations information

is defined in conformance with an extensible markup language (XML). One of the ordinary skills

in the art would have been motivated to perform such a modification to synchronize the media

composition frameworks implied by MPEG-4, Dynamic HTML, other media playback

environments, multimedia presentation may also include "annotation" in the HTML environment

(as taught by Gupta at col. 1, lines 35-65).

      **In regard to dependent claim 15,** incorporate substantially similar subject matter as

cited in claim 7 above, and is similarly rejected along the same rationale.

**In regard to dependent claim 23,** incorporate substantially similar subject matter as

cited in claim 7 above, and is similarly rejected along the same rationale.
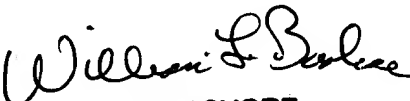
### *Conclusion*

8.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103.

The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Herndon R. Heather can be reached on (571) -272-4136.  The fax phone number

for the organization where this application or proceeding is assigned is (571)-273-8300

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.   Status information for published

applications may be obtained from either Private PAIR or Public PAIR.   Status information

for unpublished applications is available through Private PAIR only.  For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

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*Quoc A, Tran*
*Patent Examiner*
*Technology Center 2176*
*November 21, 2005*

**WILLIAM BASHORE**
**PRIMARY EXAMINER**
11/23/2005